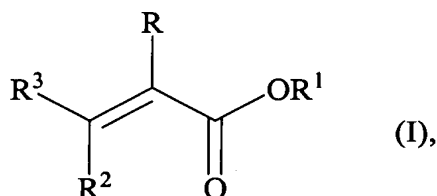


IN THE CLAIMS

Please amend the claims as follows:

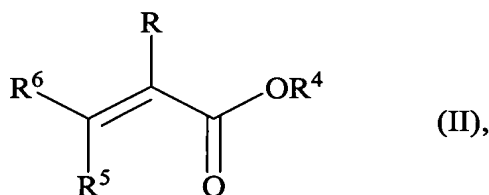
Claim 1 (Currently Amended): A functional fluid comprising

- A) 1 to ~~45%~~ 30% by weight based on the total weight of the functional fluid of one or more alkyl(meth)acrylate polymers obtainable by polymerizing a mixture of olefinically unsaturated monomers, which comprises
- a) ~~1-100 wt%~~ 15-70 wt% based on the total weight of the ethylenically unsaturated monomers of one or more ethylenically unsaturated ester compounds of formula (I)



where R is hydrogen or methyl, R¹ means a linear or branched alkyl residue with 1-6 carbon atoms, R² and R³ independently represent hydrogen or a group of the formula -COOR', where R' means hydrogen or an alkyl group with 1-6 carbon atoms,

- b) ~~0-99 wt%~~ 30-85 wt% based on the total weight of the ethylenically unsaturated monomers of one or more ethylenically unsaturated ester compounds of formula (II)



where R is hydrogen or methyl, R⁴ means a linear or branched alkyl residue with 7-40 carbon atoms, R⁵ and R⁶ independently are hydrogen or a group of

the formula -COOR", where R" means hydrogen or an alkyl group with 7-40 carbon atoms, and

c) 0-50 wt% based on the total weight of the ethylenically unsaturated monomers of one or more comonomers, and

- B) ~~55~~ 70 to 99 % by weight based on the total weight of the functional fluid of at least one oxygen containing compound selected from the group consisting of ~~carboxylic acid esters, polyether polyols and organophosphorus compounds~~ neopentyl glycol dioleate, neopentyl glycol tallate, diethylene glycol dioleate, diethylene glycol tallate, propylene glycol tallate, trimethylol propane dioleate, pentaerythritol oleate, pentaerythritol dioleate and propylene glycol dioleate,

wherein the functional fluid can achieve a Factory Mutual 6390 Group 1 or Group 2 rating.

Claim 2 (Original): The functional fluid according to claim 1, wherein the oxygen containing compound has a fire point according to ASTM D 92 of at least 250 °C.

Claims 3-11 (Canceled).

Claim 12 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers have a molecular weight in the range of 300 g/mol to 50 000 g/mol.

Claims 13-15 (Canceled).

Claim 16 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising vinyl monomers containing aromatic groups.

Claim 17 (Previously Presented): The functional fluid according to claim 1, wherein the weight ratio of the alkyl(meth)acrylate polymers to the oxygen containing compound is in the range of 2:1 to 1:10.

Claim 18 (Previously Presented): A hydraulic oil comprising the functional fluid according to claim 1.

Claim 19 (Previously Presented): The hydraulic oil according to claim 18, wherein the hydraulic oil comprises at least 20% by weight of the functional fluid according to claim 1.

Claim 20 (Previously Presented): A method for improving the fire resistance of hydraulic fluids, transformer oils and quench oils, comprising:

mixing the functional fluid of Claim 1 with the hydraulic fluid, transformer oil or quench oil.

Claim 21 (Previously Presented): The method according to claim 20, comprising:
mixing the functional fluid with an anhydrous hydraulic fluid.

Claim 22 (Previously Presented): A method for the manufacture of the functional fluid according to claim 1, wherein a mixture of olefinically unsaturated monomers is polymerized in a fluid of an oxygen containing compound according to component B).

Claim 23 (Previously Presented): The functional fluid according to Claim 1, having a kinematic viscosity at 40°C according to ASTM D 445 of from 28 mm²/s to 110 mm²/s.

Claim 24 (Previously Presented): The functional fluid according to Claim 1, having a pour point according to ASTM D 97 of -40°C or less.

Claim 25 (Previously Presented): The functional fluid according to Claim 1, having a fire point according to ASTM D 92 of at least 300°C.

Claim 26 (Canceled).

Claim 27 (Currently Amended): The functional fluid according to Claim 1, wherein the alkyl(meth)acrylate polymer comprises from 34 to [[90]] 70 wt.% of methyl(meth)acrylate.

Claim 28 (Previously Presented): The functional fluid according to Claim 27, wherein the alkyl(meth)acrylate polymer consists of monomers a), b), and c).

Claim 29 (Previously Presented): The functional fluid according to Claim 1, wherein the alkyl(meth)acrylate polymer comprises copolymerized units of octadecenoic acid ester, lauryl methacrylate, and methyl methacrylate.

Claims 30-32 (Canceled).

Claim 33 (Previously Presented): The functional fluid according to Claim 1, wherein B) is present in an amount of 79.7 to 99% by weight based on the total weight of A) and B).

Claim 34 (Canceled).

Claim 35 (Previously Presented): The functional fluid according to Claim 1, consisting of A) and B).

Claim 36 (Currently Amended): The functional fluid according to Claim 1, wherein the functional fluid ~~can achieve~~ has a Factory Mutual 6390 Group 1 rating.

Claim 37 (Currently Amended): The functional fluid according to Claim 1, wherein the functional fluid consists of A) and B), the alkyl(meth)acrylate polymer comprises from 34 to ~~[[90]]~~ 70 wt.% of methyl(meth)acrylate, and B) is present in an amount of 80 to 99% by weight based on the total weight of A) and B), and

wherein the functional fluid ~~can achieve~~ has a Factory Mutual 6390 Group 1 rating, and

~~wherein B) is at least one selected from the group consisting of neopentyl glycol dioleate, neopentyl glycol tallate, diethylene glycol dioleate, diethylene glycol tallate, and propylene glycol dioleate.~~

Claim 38 (Canceled).

Claim 39 (Previously Presented): The functional fluid according to Claim 1, wherein the alkyl(meth)acrylate polymer comprises polymerized units of methyl(meth)acrylate.

Claims 40-42 (Canceled).

Claim 43 (New): The functional fluid according to claim 1, wherein R is methyl, R¹ is a methyl residue, and R² and R³ represent hydrogen atoms in the ethylenically unsaturated ester compound of formula (I), and R is methyl, R⁵ and R⁶ are hydrogen atoms in the ethylenically unsaturated ester compound of formula (II).

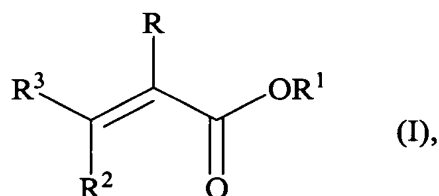
Claim 44 (New): The functional fluid according to claim 1, wherein the oxygen containing compound is at least one selected from the group consisting of neopentyl glycol dioleate, neopentyl glycol tallate, diethylene glycol dioleate, diethylene glycol tallate, propylene glycol tallate and propylene glycol dioleate.

Claim 45 (New): The functional fluid according to claim 1, wherein the oxygen containing compound is neopentyl glycol dioleate.

Claim 46 (New): A functional fluid comprising

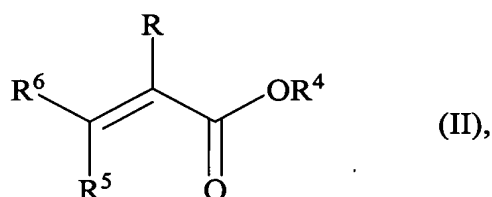
- A) 1 to 30% by weight based on the total weight of the functional fluid of one or more alkyl(meth)acrylate polymers obtainable by polymerizing a mixture of olefinically unsaturated monomers, which comprises

a) 15-70 wt% based on the total weight of the ethylenically unsaturated monomers of one or more ethylenically unsaturated ester compounds of formula (I)



where R is hydrogen or methyl, R¹ means a linear or branched alkyl residue with 1-6 carbon atoms, R² and R³ independently represent hydrogen or a group of the formula -COOR', where R' means hydrogen or an alkyl group with 1-6 carbon atoms,

b) 30-85 wt% based on the total weight of the ethylenically unsaturated monomers of one or more ethylenically unsaturated ester compounds of formula (II)



where R is hydrogen or methyl, R⁴ means a linear or branched alkyl residue with 7-40 carbon atoms, R⁵ and R⁶ independently are hydrogen or a group of the formula -COOR'', where R'' means hydrogen or an alkyl group with 7-40 carbon atoms, and

c) 0-50 wt% based on the total weight of the ethylenically unsaturated monomers of one or more comonomers, and

B) 70 to 99 % by weight based on the total weight of the functional fluid of at least one organophosphorus compound,

wherein the functional fluid can achieve a Factory Mutual 6390 Group 1 or Group 2 rating.

Claim 47 (New): The functional fluid according to claim 46, wherein the alkyl(meth)acrylate polymers have a molecular weight in the range of 300 g/mol to 50 000 g/mol.

Claim 48 (New): The functional fluid according to claim 46, wherein the alkyl(meth)acrylate polymers comprise one or more polymerized vinyl monomers containing aromatic groups.

Claim 49 (New): The functional fluid according to claim 46, wherein the weight ratio of the alkyl(meth)acrylate polymers to the oxygen containing compound is in the range of 2:1 to 1:10.

Claim 50 (New): A hydraulic oil comprising the functional fluid according to claim 46.

Claim 51 (New): The functional fluid according to Claim 46, wherein the alkyl(meth)acrylate polymer comprises from 34 to 70 wt.% of methyl(meth)acrylate.

Claim 52 (New): The functional fluid according to Claim 46, wherein the alkyl(meth)acrylate polymer comprises copolymerized units of octadecenoic acid ester, lauryl methacrylate, and methyl methacrylate.

Claim 53 (New): The functional fluid according to Claim 46, wherein B) is present in an amount of 80 to 99% by weight based on the total weight of A) and B).

Claim 54 (New): The functional fluid according to Claim 46, wherein the functional fluid has a Factory Mutual 6390 Group 1 rating.

Claim 55 (New): The functional fluid according to Claim 46, wherein the alkyl(meth)acrylate polymer comprises polymerized units of methyl(meth)acrylate.

Claim 56 (New): The functional fluid according to claim 46, wherein R is methyl, R¹ is a methyl residue, and R² and R³ represent hydrogen atoms in the ethylenically unsaturated ester compound of formula (I), and R is methyl, R⁵ and R⁶ are hydrogen atoms in the ethylenically unsaturated ester compound of formula (II).

Claim 57 (New): The functional fluid according to claim 46, wherein the organophosphorus compound is an organophosphorus ester.

Claim 58 (New): The functional fluid according to claim 46, wherein the organophosphorus compound is an organophosphonate.

DISCUSSION OF THE AMENDMENT

Claims 1-2, 12, 16-25, 27-29, 33, 35-37, 39 and 43-58 are active in the present application. Claims 3-11, 13-15, 26, 30-32, 34, 38 and 40-42 are canceled claims. Claims 43-58 are new claims. Independent Claim 1 is amended herein to further define the contents of the functional fluid. Support for the amendment is found on pages 5-7, and previously presented Claims 30, 37 and the paragraph bridging pages 15 and 16. Support for new Claims 43-58 is found in the previously presented claims and in paragraphs [0058] and [0087] of the PG publication corresponding to the present application (i.e., 20050023504).

Claim 46 is a new independent claim.

No new matter is added.